

NOTICE • NOTICE • NOTICE • NOTICE • NOTICE

STARTING WITH THE 12/1/08 CALENDAR, A “SECOND CHECK” WILL NO LONGER BE CONDUCTED. ONLY ONE EXAMINATION OF THE FILES WILL BE MADE APPROXIMATELY TWO WEEKS PRIOR TO THE HEARING. THESE NOTES REPRESENT THE STATUS OF THE FILE AT THAT TIME. ANY LATER DOCUMENTS WILL NOT BE REVIEWED BY THE PROBATE EXAMINERS PRIOR TO THE HEARING.

NOTICE • NOTICE • NOTICE • NOTICE • NOTICE

The Probate Examiners can be reached at ProbateNotes@courts.sbcounty.gov. Emails must have the case identification information and hearing time/date in the subject line. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. *PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES.* No legal or procedural advice may be given.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH PROBATE

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: PROPS0600171

CASE NAME: ESTATE OF DOLORES SALAZAR

HEARING:
Accounting Review

COUNSEL:
LARRY SALAZAR (PET)...MICHAEL J OBRIEN
DOLORES SALAZAR (DEC)...

GENERAL INFORMATION:

Letters of Administration issued 3/9/07 (full authority, no bond)

Continued from 5-13-08. Nothing new filed.

Continued from **7-1-08** at request of counsel to file accounting. Nothing new filed.

Continued from 8-26-08. Counsel checked in with the clerk, but then left before the case could be called. Court then continued matter. Clerk gave notice to counsel of record.

Nothing new filed.

Last continued from **10/14/08**. Court expresses concerns re the status of this case.

Nothing new filed.

Continued from 11/20/08. Counsel was not aware this matter was on calendar but stated he will have status/accounting filed by next hearing. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting or status report is filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. There is no bonding company to notice.
(GLS/NMT/gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: PROPS0600339

CASE NAME: JOSEPH EVANS PAULINE
SEE ALSO 3

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
SUZANNE STALKER (PET)...MICHAEL J OBRIEN
JOSEPH EVANS PAULINE (DEC)...

GENERAL INFORMATION

Continued from 9-18-07. No inventory and appraisal filed and no one appeared. Court set matter for OSC re sanctions.

Continued from 10/30/07 at request of counsel – I&A with probate referee. OSC dismissed.

Continued from 12/05/07 at request of counsel – I&A with client for signature.

Continued from 1/30/08. Court ordered I&A filed or appearance by counsel and personal representative at next hearing due to numerous continuances.

Continued from **4-2-08 and 5/20/08**. No appearance. Court again continued matter and had the clerk give notice.

Continued from 07/08/08 and 11/20/08 OSC hearing for Inventory and Appraisal to be filed. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 4/4/07.
2. Partial I&A filed. Need Final I&A.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, the court may set hearing in accord with Pr. C. §§ 8804 and/or 8505. Clerk to give notice to bonding company.

NMT/gls/cbr

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: PROPS0600339

CASE NAME: JOSEPH EVANS PAULINE
SEE ALSO 2

HEARING:
Accounting Review

COUNSEL:

SUZANNE STALKER (PET)...MICHAEL J OBRIEN
JOSEPH EVANS PAULINE (DEC)...

GENERAL INFORMATION

Last probate status report approved on 11/20/08.

THIS CASE SET FOR HEARING ON Accounting Review and or Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter is set for Accounting Review. No accounting and/or status report has been filed.

RECOMMENDATION

Inquire status. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. Clerk to notice bond company

(cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: PROPS0700237

CASE NAME: BONNIE LYNN KIM

HEARING:
Accounting Review

COUNSEL:
WENDY R SMITH (PET)...PRO/PER
BONNIE LYNN KIM (DEC)...

GENERAL INFORMATION

Continued from **7/28/08** and **9/11/08**. Nothing new filed.

**Continued from 11/20/08 at request of petitioner to complete and file an accounting.
Nothing new filed.**

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 5/21/07, no bond.
2. No accounting or status report of administration filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq.

(kra/gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: PROPS0700411

CASE NAME: STEWART O SHONKA

HEARING:
Accounting Review

COUNSEL:
LYNN A SHONKA (PET)...GUAY P WILSON
STEWART O SHONKA (TP)...

GENERAL INFORMATION

Continued from 09/23/08 at request of counsel to file an accounting. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting and/or status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting/ status report has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.

NMT/cbr

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: PROPS0700559

CASE NAME: DORIS I WADE

HEARING:
Accounting Review

COUNSEL:
CHARLES CRHA (PET)...PATRICK J. SILVA
DORIS I WADE (DEC)...

GENERAL INFORMATION:

Letters Testamentary issued 7/24/07 (full authority, no bond)

Continued from **9/25/08** at request of counsel. Nothing new filed.

**Continued from 11/20/08 at request of counsel. Counsel to prepare final account.
Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting/status report is filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. No bond company to notice.

(gls/cbr)

Superior Court of Calif, County of San Bernardino

Page: 7

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: PROPS0700679

CASE NAME: ESPERANZA T NAVARRO

HEARING:

FIRST AND FINAL Account and Report of DAVID MUNOZ and Petition
for allowance of fees filed.

COUNSEL:

DAVID MUNOZ (PET)...W TODD STEVENSON
ESPERANZA T NAVARRO (DEC)...
DEPT OF HEALTH CARE SERVICES (TP)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON First and Final Account and Petition for Allowance of
Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests statutory commission of \$1,560. Ok
2. Attorney requests statutory fees of \$1,560. Ok
3. Petitioner requests reimbursement of costs in the amount of \$2,385.41 of which \$2,310.41 is pre paid pre death funeral/burial expenses; not post death. Funeral expenses are the only post death debt. Note that there is also \$67,178.64 in unpaid claims due to Department of Health Services. All monies after payment of fees and costs are to be paid to Department of Health Services. Judge to decide
4. Need bank statements Local rule 20-908.
5. Supplemental Inventory and Appraisal filed indicating a settlement of \$39,000 was received. Need copy of check showing proceeds.
6. There is no statement regarding money being held in interest bearing account. Need to file verified supplement.
7. Need proposed order.

RECOMMENDATION

Need to clear notes then Court's discretion. If approved, court to set hearing on filing
receipts and final discharge for 01/28/10.

(cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: PROPS0700731

CASE NAME: LUCILE I CARTER

HEARING:
Hearing Re: Status on 8 Beneficiaries

COUNSEL:
MELODIE Z SCOTT (PET)...HARTNELL LISTER & MOORE
LUCILE I CARTER (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Status on 8 Beneficiaries

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter was set at 11/20/08 accounting hearing. Petitioner alleged that there are eight beneficiaries of the estate who have been identified but whose whereabouts are unknown. Petitioner requested authority to distribute these shares in care of the San Bernardino County Treasurer.

RECOMMENDATION
Court's discretion

(cbr)

Future hearing dates: 12/03/09 Final Discharge.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: PROPS0701076

CASE NAME: RAY DEAN KNIGHTEN

HEARING:

FIRST AND FINAL Account and Report of DEBORAH BOATMAN and
Petition for allowance of fees filed.

COUNSEL:

DEBORAH BOATMAN (PET)...PETER J LINDEN
RAY DEAN KNIGHTEN (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON 1st and Final Waiver of Account and Petitioner for
allowance of fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs waive accounting.
2. Petitioner waives statutory commission.
3. Reimbursement of costs/loans advanced for mortgage, funeral charges and
maintenance is requested from the following:
 - a. Deborah Boatman, personal representative, \$1,386.31.
 - b. Greg Knighten \$7,502.49; however, \$5,446.04 of this amount is funeral
expenses. Funeral expenses are considered a creditor's claim Pr. C. §
9000(a)(3). As creditor's claims period has expired, neither the Court nor
the personal representative has authority to approve at this juncture. Judge
to decide
 - c. Jeffrey Knighten \$2,480.24.
4. Attorney is requesting statutory fees at a 30% rate reduction totaling \$13,306.10.
Ok
5. Petitioner requests to hold \$5,000 for closing expenses. Judge to decide
6. Petitioner paid a graduated filing fee of \$165.00 which is entitled to reimbursement
under Burkey v. State of California (2008) 161 Cal. App. 4th 465. JTD
7. Inventory and Appraisal filed does not include bank statements to support date of
death balance; local rule 20-908.

RECOMMENDATION

Need to clear notes then Court's discretion. If approved, court to set hearing on filing receipts and final discharge for 01/28/10.

(cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: PROPS0701147

CASE NAME: THE CEREMSAK LIVING TRUST

HEARING:
Readiness Calendar

COUNSEL:
RONALD J CEREMSAK (PET)...ZIPRICK & CRAMER
PAMELA KMIECKI (RES)...JONES & KINDELAN, LLP

No Notes – Matter on for Readiness

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: PROPS0800153

CASE NAME: MTR OF THOMAS HAROLD GUTHORMSEN

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

ALLAN GUTHORMSEN (PET)...GRIDER LAW OFFICE
THOMAS HAROLD GUTHORMSEN (DEC)...

GENERAL INFORMATION:

Letters of Administration issued 4/17/08 (full authority, no bond)

Continued from 11/20/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory filed (overdue by 3 months)

RECOMMENDATION:

Find out status. When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. §§ 8804 and/or 8505. No bond company to notice.

(gls/cbr)

Future hearing dates: 06/25/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: PROPS0800245

VACATE – FINAL INVENTORY FILED 11/21/08

CASE NAME: JOLEEN TREFZ

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
A. MICHAEL KAUTZ (PET)...ROLAND W HALL
JOLEEN TREFZ (DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: PROPS0800455

Vacated – final Inventory and Appraisal filed.

CASE NAME: PATRICIA S. PRIEST

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
PAULA PARHAM (PET)...MARIA G NICIFOROS
PATRICIA S PRIEST (DEC)...

Future hearing dates: 08/27/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: PROPS0800883

CASE NAME: THE LOIS NELSON TRUST

HEARING:

Petition for TO RECOGNIZE TRUST PETITION TO RECOGNIZE TRUST
AMENDMENT

COUNSEL:

DEAN RAY ROSS (PET)...JEFF GROTKE

GENERAL INFORMATION:

Continued from 11/06/08 at request of Attorney Dennis Cianes. His client was not served and they want to retain counsel in the area (they are from the Bay area). Court ordered status quo to remain.

THIS CASE IS SET FOR HEARING ON Petition to Recognize Trust and to Recognize Trust Amendment

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is a brother of the decedent, Lois Nelson, and a beneficiary/co-trustee of the Lois Nelson Trust established by the decedent on 12/6/01 and modified by holographic amendment dated 2/14/03. The original settlor died on 8/19/08. Petitioner requests that the court find the Lois Nelson Trust dated 12/6/01 as valid as well as find that the amendment is valid and binding. Furthermore, if the court finds the trust and amendment thereto as binding, then the court make an order that petitioner Dean Ray Ross and Leroy Price are the co-trustees of the trust per the amendment and that Lloyd Davis and Claudia Forehand are not the co-trustees and they take no further action on behalf of the trust and to account for any funds obtained that may belong to the trust and to return those funds.
2. Part Three of the Trust at page 12 (tabbed) provides the authority of the trustor to amend or revoke the trust in whole or in part. The Trust provides that an amendment shall be "in writing, signed by the Trustor and *delivered in Trustor's lifetime to Trustee*". The trustor was also the trustee of her trust. Petitioners allege that the trustor mailed the amendment to EPICO, the company that prepared the original trust on or about 2/14/03, and that the

amendment remained on file with the company until her death and was attached to the original Trust document.

RECOMMENDATION:

Court's discretion. If court orders Lloyd Davis and Claudia Forehand to account for any trust property, the court may wish to set an accounting review for 03/12/09. Accounting to be filed 30 days in advance.

(gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: PROPS0801071

CASE NAME: LOUISE MARIE BAKER

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

MARY TERESA JOHNSON (PET)...PRO/PER
LOUISE MARIE BAKER (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Probate, Letters Testamentary with Full
Authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. The will is not self proving. Need proof of subscribing witness.
3. Need proof of publication.

RECOMMENDATION

Need to clear notes 2 and 3. If approved, set future hearing for Accounting/Status Review
on 04/01/10. Any accounting to be filed 30 days in advance. Note requirements of local
rule 20-908.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: SPASS4979

CASE NAME: ESTATE OF LULA CRITTENDEN

HEARING:
Hearing re Final Discharge

COUNSEL:
PUBLIC ADMINISTRATOR (PET)...GRESHAM SAVAGE NOLAN & TILDEN
LULA CRITTENDEN (DEC)...
LOUANN SMITH (PET)...JACK B OSBORN

GENERAL INFORMATION:

Continued from **9/25/08** at request of counsel.

Continued from 11/20/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1 Order for Final Discharge granted 9/20/07.
- 2 Receipts are filed.
- 3 Final Discharge declaration/order was returned for correction on 3/13/08.
Need same. It is noted that there is a discrepancy in the about distributed to Xava Alsip. The distribution was to be 50% to each heir, however, the receipt for Xava Alsip's share is \$10,295.55 short. File verified supplement.

RECOMMENDATION:

Need to submit final discharge declaration/order.
(/gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: SPRSS02287

CASE NAME: IN TEH ESTATE OF DEAN M DEVOE

HEARING:
Accounting Review

COUNSEL:
DEAN M DEVOE (DEC)...
R WARREN JONES (TP)...ROBERT K BOLT

GENERAL INFORMATION

Eighth accounting approved on 09/20/07 for period 04/01/06 – 03/31/07.
Continued from **9/25/08** at request of counsel. Nothing new filed.

Continued from 11/20/08 at request of counsel. Accounting prepared and ready to be filed. Nothing new filed.

THIS CASE SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Ninth accounting due for period 04/01/07 – 03/31/08.
2. No accounting has been filed. Need same

RECOMMENDATION

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. Clerk to notice bond company

(cbr/gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: SPRSS05855

CASE NAME: ESTATE OF LOUISE CAMPBELL

HEARING:

OSC re: FAILURE TO APPEAR/FILE FINAL DISCHARGE/SANCTIONS

COUNSEL:

ORVILLE LEONARD (PET)...MICHAEL S. ARNOLD
LOUISE CAMPBELL (DEC)...
WARREN NEIDEFFER (TP)...LAYNE A BART HOLOMEW

GENERAL INFORMATION:

Order for Final Distribution granted 10/3/06

Continued from 9/6/07. No appearance.

Continued from 10/25/07 and 12/13/07. Counsel states bond has been posted.

Continued from 3/20/08 at request of court. No appearance. Clerk mailed notice to counsel. Nothing new filed.

Last continued from **4/24/08, 6/26/08 and 8/21/08**. No appearance on 6/26/08 and court set this OSC. Nothing new filed.

Continued from 11/13/08. No appearance. Citation issued to Michael Arnold who is cited and required to appear on 01/22/09. Currently awaiting return of citation.

THIS CASE IS SET FOR HEARING ON OSC re failure to appear and/or file receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Receipts are filed. Need to submit final discharge declaration/order.
2. **Notice of Non-payment of bond premium filed.**
3. **Proof of service of Citation is filed. Atty Arnold was personally served on 1/6/09.**

RECOMMENDATION:

Court's discretion. Court may wish to set OSC re bond status. Clerk to notice bond company.

(/gls/kra/gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: SPRSS06491

CASE NAME: ESTATE OF SUSIE M. HARPER

HEARING:
Hearing re Final Discharge

COUNSEL:
SUSAN D. GORE (PET)...PRO/PER
SUSIE M. HARPER (DEC)...

GENERAL INFORMATION
Order for final distribution approved on 11/15/07.

THIS CASE SET FOR HEARING ON Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All receipts filed.
2. Need Ex Parte Petition for Final Discharge and Order

RECOMMENDATION
Inquire status. When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

(cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: SPRSS06535

CASE NAME: ESTATE OF JENNIFER L BROOKS

HEARING:

FINAL Account and Report of SHARMAN L BROOKS and Petition for allowance of fees filed.

COUNSEL:

SHARMAN L BROOKS (PET)...PRO/PER
JENNIFER L BROOKS (DEC)...
LOMA LINDA UNIVERSITY MEDICAL (TP)...STREAM & WERNER, P.C.

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON 1st and Final Report on Waiver of Accounting and Petition for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need notice of hearing and proof of service.
2. All residual beneficiaries have waived an accounting by petitioner.
3. Petitioner waives statutory compensation.
4. Petitioner alleges one of the beneficiaries is incarcerated. Need to file notice and proof of service upon the Director of the California Victim Compensation and Government Claims Board per Pr.C. §216.
5. A creditor's claim was filed by Loma Linda University Medical Center for \$50.00 on 11/23/05. Question whether such claim has been paid? File verified supplement.

RECOMMENDATION:

Need to clear notes 1 & 4. If approved, court to set hearing on filing receipts and final discharge for 1/28/10.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: SPRSS07043

CASE NAME: ESTATE OF DOROTHY CAMPBELL
SEE ALSO 22

HEARING:

Petition for TO ESTABLISH OWNERSHIP OF ESTATE PROPERTY AND FOR
AND ORDER VACATING GRANT DEED

COUNSEL:

EDDIE BEATRICE HILL (PET)...MATSUNGA & ASSOCIATES
DOROTHY CAMPBELL (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Establish Ownership of Estate
Property and for Order Vacating Grant Deed

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service per Pr.C. §851.
2. Petitioner is the sole beneficiary under decedent's Will. Petitioner alleges that decedent died on 3/12/05 having title to real property located at 16051 Peach Tree Lane, Fontana, which is currently held by a third party (Cruz Hernandez). Petitioner further alleges that on or about 11/20/07, Hernandez (who is no relation to the decedent) caused to be recorded a Grant Deed conveying title to himself. Furthermore, petitioner states that on or about 10/11/07 Hernandez borrowed and executed a deed of trust securing said property in the amount of \$308,000 and the security was for the benefit of the lender, World Saving Bank. The deed of trust was recorded on 3/4/08 in Riverside County and re-recorded on 9/11/08 in San Bernardino County. On 11/2/07, a loan was funded to Hernandez in the approximate amount of \$367,114. Decedent was listed as the seller of the property. On 11/19/07, petitioner alleges the loan servicing was transferred to Citi Mortgage Inc. Petitioner has made a request to Citi for a repurchase demand as decedent died prior to the sale transaction. Petitioner believes the sale and transfer of

the Peach Tree property was fraudulent, as well as the Grant Deeds. Furthermore, the notary aided and abetted respondent, Hernandez by notarizing the decedent's signatures on the fraudulent documents. Petitioner requests that the court find that the decedent's estate is the true and sole owner of the Peach Tree property and that respondent, the notary, the mortgage company(ies) fraudulently converted the ownership of the property to a third party.

3. Petitioner alleges a copy of the erroneous Grant Deed is attached to the petition, but no such attachment is affixed. Need same.
4. Petitioner alleges copies of the Deeds of Trust recorded in Riverside and San Bernardino Counties are attached to the petition, but no such attachments are affixed. Need same.
5. Petitioner alleges a copy of a Police report memorializing the sale transaction is attached to the petition, but no such attachment is affixed. Need same.

RECOMMENDATION:

Need to clear notes.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: SPRSS07043

CASE NAME: ESTATE OF DOROTHY CAMPBELL
SEE ALSO 21

HEARING:
Accounting Review

COUNSEL:
EDDIE BEATRICE HILL (PET)...MATSUNGA & ASSOCIATES
DOROTHY CAMPBELL (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting and/or status report is filed. However, there is a pending Pr.C. §850 petition (see matter 21). Court may wish to continue this matter until the resolution of the 850 petition. JTD

RECOMMENDATION:

Find out status. Court may wish to continue this matter until the resolution of the 850 petition.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: SPRSS07083

CASE NAME: ESTATE OF MARY T. WHITTAKER

HEARING:

Accounting Review

COUNSEL:

TOM WHITTAKER

(PET)...MARTHA JO PATTERSON

MARY T. WHITTAKER

(DEC)...

GENERAL INFORMATION:

Letters Testamentary issued 10/24/06 (full authority, \$230,000 bond)

Continued from **11/8/08** – oral status given by counsel.

Continued from 11/13/08 at request of Court. No appearance and no accounting has been filed.

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting or status report is filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. Clerk to notice bond company

(/gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: SPRSS07271

CASE NAME: ESTATE OF DARRELL LADEAN POISALL--MASTERFILE

HEARING:
Readiness Calendar

COUNSEL:
TERRIE L ALDEN (PET)...EDWARD B FISCHEL
PAMALA S MURAWSKI (PET)...EDWARD B FISCHEL
DARRELL LADEAN POISALL (DEC)...
DEBRA L HORAN (PET)...BRIAN J SIMPSON
ROBERT HORAN (PET)...BRIAN J SIMPSON

No Notes – matter on for readiness

Future hearing dates: 01/16/09 Trial

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: SPRSS24929

CASE NAME: MTR OF AURIE B MEREDITH

HEARING:
Accounting Review

COUNSEL:

E D PATTERSON JR (PET)...MIRAU EDWARDS CANNON HARTER &
AURIE B MEREDITH (DEC)...
JAMES M PATTERSON (PET)...ROBERT W CANNON
WILLIAMS G PATTERSON (STE)...ROBERT W CANNON

GENERAL INFORMATION:

Continued from 6/2/08 at request of counsel.

Continued from 08/11/08. Trustee has passed away. Nothing new filed re this matter. Successor trustee appointed on 10/28/08.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 4/8/05 court approved the 6th account of testamentary trust; 7th accounting now due for the period covering 1/1/04 – 12/31/05 and an 8th account for the period covering 1/1/06 – 12/31/07.
2. A notice of hearing of the 7th account and report for the period 1/1/04 – 12/30/07 is filed; however, no such report has been filed.
3. No accounting filed.

RECOMMENDATION:

When the trustee fails to file an accounting as ordered, the court may take action as specified in Pr.C. § 800 and C.C.P. § 128.

(NMT/kra/cbr)

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: VPRVS003101

CASE NAME: MATTER OF THE MC SPICER TRUST
SEE ALSO 27

HEARING:

Hearing Re: PETITION TO ORDER ACCEPTANCE OF CREDITOR'S CLAIMS

COUNSEL:

CHARLES KING (PET)...CALDWELL, KENNEDY & PORTER, A.
MILBRY ATISHA CLEYO SPICER (PET)...CALDWELL, KENNEDY & PORTER, A.
MILBRY CLEYO SPICER (DEC)...
RANDOLPH STEWARD (PET)...RIPLEY & ASSOCIATES
THE M C SPICER TRUST (TRU)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Order Acceptance of a Creditor's Claim

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Randolph Steward, is one of three beneficiaries to the Milbry C. Spicer Trust dated 6/27/04. The original trustor died on 12/17/04. Petitioner alleges that the remaining co-trustees, Charles King and Atisha Spicer, did not attend to the financial obligations of the trust and trust property, which petitioner personally advanced. Petitioner now requests for reimbursement for such expenses in the amount of \$7,349.00. Itemized. Petitioner has submitted various creditor's claims totaling \$109,150.16 on 12/10/08 as follows:
 - (a) \$7,349, representing costs advanced. Itemized.
 - (b) 10,823, representing attorney's fees paid. Question how the trust would be liable for attorney's fees for claimant? File verified supplement.
 - (c) \$48,600 (representing 25 weeks taken off work to take care of the trust estate. Question how trust is liable for loss in wages when claimant is a 1/5 beneficiary of the trust (per last accounting trust assets had a value of approximately \$360,500)? File verified supplement.
 - (d) \$327 for carpet installation to trust real property

- (e) \$7,772 for labor and equipment rental to move vehicles
 - (f) \$635 for reimbursement of travel expenses to funeral. Question how trust is liable for personal travel expenses for claimant?
 - (g) \$3,780 for reimbursement of one-half of funeral costs
 - (h) \$4,080 for reimbursement of water well repairs, septic tank pumping and trash removal
 - (i) \$1,442 for reimbursement of house insurance on estate property for the period 8/4/06 – 8/4/07
 - (j) \$13,374 for reimbursement of insurance on both estate vehicles and vehicle payments
 - (k) \$10,968.16 for reimbursement of mortgage payments to Chase
2. There are three creditor claims submitted by Rebecca Steward on 12/10/08 as follows:
- (a) \$5,328 for attorney's fees to defend self against co-trustees. Question how trust is liable for attorney's fees to claimant? File verified supplement.
 - (b) \$168 for reimbursement of property tax. What is the parcel number for the property taxes paid? File verified supplement.
 - (c) \$229 for reimbursement of travel expenses. Question how trust is liable for personal travel expenses for claimant?
3. The co-trustees have published a Notice to Creditors which was last published on 2/22/08 giving creditors four months in which to file claims, or no later than 6/22/08. The two claimants filed late claims having filed claims on 12/10/08. Furthermore, more than one year has elapsed from the date of death of the original settlor and CCP §366.2 bars any claims against a decedent. Question why claimants delayed in making any claims against the Trust? File verified supplement.
4. Petitioner moves this court under Pr.C. §9353, however, this code section pertains to the administration of a probate estate. It would appear that this is a trust administration and Pr.C. §19100 would be applicable to filing trust claims. The court has discretion to allow a claim provided: (1) that the trustee failed to send proper and timely notice to the creditor and the petition is filed within 60 days after the creditor has actual knowledge of the trust administration; and (2) the creditor did not have knowledge of the facts giving rise to the existence of the claim more than 30 days prior to the time for filing a claim (Pr.C. §19103). Petitioner makes no allegation to prove up the claims under Pr.C. §19103.
5. Notices mailed to more than one person in the same household must be sent separately to each person per CRC §751(a)(3). Need corrected proof of service.

RECOMMENDATION:

Need to clear notes. Absent justification for late claims, court may wish to deny claims.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 9:00 DEPT: E1

CASE #: VPRVS003101

CASE NAME: MATTER OF THE MC SPICER TRUST
SEE ALSO 26

HEARING:
Readiness Calendar

COUNSEL:

CHARLES KING (PET)...CALDWELL, KENNEDY & PORTER, A.
MILBRY ATISHA CLEYO SPICER (PET)...CALDWELL, KENNEDY & PORTER, A.
MILBRY CLEYO SPICER (DEC)...
RANDOLPH STEWARD (PET)...RIPLEY & ASSOCIATES
RANDOLPH STEWARD (PET)...RIPLEY & ASSOCIATES
THE M C SPICER TRUST (TRU)...

No notes – matter on for readiness

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH CONSERVATORSHIPS

DATE: 01/22/09 TIME: 10:30 DEPT: E1

CASE #: CONPS0600005

CASE NAME: JEFFREY OVADIA

HEARING:

FIRST AND FINAL Account and Report of W.A. HLAVATY and Petition
for allowance of fees filed.

COUNSEL:

JASON A OVADIA (PET)...KELLER & KELLER
JEFFREY OVADIA (PCE)...SHERRI L KASTILAHN
W A HLAVATY (CPE)...MAUREEN MURATORE
ROBERT H OVADIA (SC)...JAMES B CHURCH
DANA BORELLI OVADIA (ANDREW ROSS)...ANDREW RO

GENERAL INFORMATION:

Accounting covers period: 5/3/08 – 8/31/08

Assets on hand: \$516,093.04 (Cash \$473,622.50 and the balance in mutual
funds/securities)

THIS CASE IS SET FOR HEARING ON First and Final Account and Report and Petition
for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service upon the conservatee and upon Attorney Andrew Ross who has filed a request for special notice.
2. Petitioner requests fees of \$41,568.00. Billed at various rates for various services not exceeding \$95/hour for a total of 341.40 hours. Itemized. Petitioner alleges that the conservatee needs much attention and interaction which petitioner provides. There is a high volume of travel which petitioner must make to visit conservatee weekly to Lucerne Valley. Thus, the large billing for services rendered. JTD
3. Attorney Muratore requests fees of \$15,727.50. Billed at \$225/hour for 69.90 hours. Itemized. Attorney also requests reimbursement of costs of \$199.68, of which \$10.86 and \$25.32 were billed for copies and telephone

charges (respectively) which are not reimbursable expenses. Court may wish to allow \$163.50 in reimbursement of costs. JTD

4. Petitioner has made no allegation as to the sufficiency of bond. It appears petitioner's current bond is \$200,000 which is insufficient. With the current value of assets on hand, estimated annual income and bond recovery costs, less proposed fees requested above, bond should be increased to \$550,500 (a total increase of \$350,500). JTD

RECOMMENDATION:

Need notice and court's discretion re fees and bond increase. If approved, set next accounting review for 1/27/11. Accounting to be filed 30 days in advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 10:30 DEPT: E1

CASE #: CONPS0600023

CASE NAME: ALICE P ALMANZA

HEARING:

FIRST Account and Report of CLEMENTE D ALMANZA and Petition for allowance of fees filed.

COUNSEL:

CLEMENTE D ALMANZA (PET)...THE WELCH LEGAL GROUP
ALICE P ALMANZA (CEP)...DONNA STURGILL DIAZ

GENERAL INFORMATION:

Accounting covers period: 3/1/07 – 10/31/08

Assets on hand: \$223,676.18 (cash of \$31,049.34, \$2,150 in personal property and the balance held in an investment account)

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to pay filing fee of \$180.00 for this account and report.
2. Petitioner requests fees of \$76,757.25. Billed at \$15/hour for 5,117.15 hours (approx. 10 hours/day for 17 months @\$15/hour - \$76,500). These fees appear excessive in light of the value of assets on hand (conservatee's income is social security of approx. \$1,039 and a small pension of approx. \$200. Conservatee resides with petitioner). Also, in disbursements, petitioner took the following payments:
 - (a) 7/1/08 - \$2,565.00 partial reimbursement for lost wages
 - (b) 8/15/08 - \$2,100.00 for reimbursement of lost wages.Question whether these two disbursements should be deducted from the requested fees? Court may wish to reduce the fees requested in light of the size of the estate. JTD
3. Attorney requests approval of fees already paid of \$11,569.74 and the sum of \$215.76 due. Question why fees were taken/accepted without prior court

approval? Fees are billed at \$140-\$187.50/hour for attorney time at \$40/hour for paralegal time. Need qualifications of paralegal. File verified supplement.

4. On disbursements, there are the following expenses which require verified supplement:

- (a) Total of reimbursements paid to petitioner for conservatee's food, clothing, gas and household goods during this accounting period was \$19,810.18 (with an average of \$1,000/month). This amount appears excessive. Need to provide receipts/itemization for these purchases totaling this amount. Question the need for such a large expense for food, clothing, gas and household goods? File verified supplement.
- (b) On the escrow closing statement there is a payoff charge to Bank of America titled "escrow overdraft" of \$1,587.03, as well as a NFS fee of \$25.00. Question the purpose of these charges?

RECOMMENDATION:

Need to clear notes.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 10:30 DEPT: E1

CASE #: CONPS0700121

CASE NAME: MTR OF ORRIN LEIF OLSON

HEARING:

FIRST AND FINAL Account and Report of LAWRENCE A DEAN II and
Petition for allowance of fees filed.

COUNSEL:

CAROLE A OLSON (CPE)...LAYNE A BARTHOLOMEW
ORRINE LIEF OLSON (CEP)...J. DAVID HORSPOOL
LAWRENCE A DEAN II (PET)...SHERRI L KASTILAHN

GENERAL INFORMATION:

Accounting period covers: 11/16/07 – 6/19/08

Assets on hand: \$0.00

A successor conservator (Carole Olson) was appointed over person and estate on 7/10/08

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges his accounting only includes receipts/disbursements from conservatee's separate property. Petitioner did not account for any receipts/disbursements from Wishy Washy, Inc., because he did not receive or pay bills directly from the account. All Wishy Washy accounts were maintained by Chris Holdaway (bookkeeper) pursuant to court order. However, on 11/7/07, the court ordered Mr. Dean to maintain Wishy Washy including collection/payment of receipts/disbursements.
2. Petitioner requests fees of \$14,396.50. Billed at various rates for various services not exceeding \$105/hour. Itemized. Some of the fees requested are for services related to the operation of the business "Wishy Washy" as follows:
 - (a) 11/19/07 – 6.25 hours, or \$656.25 for visiting laundromat sites, pick up and deposit revenues as well as meetings re operation of business.

- (b) 11/19/07 – 6.0 hours, or \$630.00 for traveling to laundry stores, collect coins from all machines, counted funds and traveled to bank for deposit.
- (c) 1/11/08 – 2.25 hours, or \$236.25 for review of bills for Wishy Washy utilities, rents, payroll approved for payment and traveled to bank to order checks.
- (d) 3/3/08 - .57 hours, or \$59.85 reviewed and executed checks for payment of debts due for Wishy Washy.
- (e) 5/7/08 - .3 hours, or \$15.00 for meet and confer re deposits made for Wishy Washy, with debit notices, discuss bills and needing to be paid.

With the accounting presented, it is not known the value of the conservatorship assets and whether the fees requested are reasonable and whether the conservatorship has sufficient funds with which to pay such fee request.

Attorney requests fees of \$10,417.50. Billed at \$225/hour for a total of 46.30 hours. Itemized. With the accounting presented, it is not known the value of the conservatorship assets and whether the fees requested are reasonable and whether the conservatorship has sufficient funds with which to pay such fee request.

3. There are the following concerns with the accounting as presented which require verified supplement.
 - (a) The starting balance of the accounting is \$17,053.26. How was this starting balance calculated? There is no inventory to compare starting balance(s).
 - (b) On 11/7/07, the court ordered Mr. Dean to maintain accounts for Wishy Washy. Furthermore, Mr. Dean has billed for services for collection of coins and payment of bills relating to the family business. However, there are no “receipts” listed or “disbursements” listed for the assets he collected or disbursed. Furthermore, in Mr. Dean’s statement of services there are billings for accounts at Citizen’s Bank and Bank of America. Question whether conservatee had accounts at these banks and whether these accounts were marshaled?
 - (c) On 3/19/08, the Court ordered Mr. Dean to marshal all community assets, assets in the name of conservatee’s children and the family business. There is no inventory for these assets or report to indicate whether or not these assets were, in fact, marshaled. Question whether these assets were marshaled? If not, why not? If so, what did the assets consist of including the value of such assets?
 - (d) On 4/10/08, the Court ordered various accounts to be marshaled by Mr. Dean (Wells Fargo Bank, Pomona First Federal and Fidelity Investments-Canada Fund). Question if these accounts, or any of them were marshaled? What were the balances in each of the accounts? The balances should be included as part of the starting balance and/or inventoried as required.
 - (e) It appears that during the accounting period, there were various services relating to conservatee’s vehicles (i.e., truck, car and motorcycle[s]).

However, no vehicles are accounted for. These assets should be included as part of the starting balance and/or inventoried as required.

- (f) On 6/16/08, there is a payment to John Correa for "real property maintenance" for \$262.00. Need a separate statement from Mr. Correa for time spent and payment received per local rule 20-1406(c).
 - (g) No bank statements are filed to support the beginning balance(s). Need same per Pr.C. §2620(c)(2).
4. Note: On 8/14/07, the court ordered Linda and Ron Ortiz appointed as keepers for the business known as Wishy Washy Laundromats, Inc. which included collecting money, depositing money and pay bills (this order was superceded by the order appointing Mr. Dean on 11/15/07). Linda and Ron were also ordered to provide a weekly report of cash receipts and payments made to Attorney Barthlomew, Attorney Horspool, Carol Olson and Chris Holdaway. Question if court wishes to have these weekly reports included in petitioner's accounting or to have Linda and Ron Ortiz and Chris Holdaway file a separate accounting? JTD

RECOMMENDATION:

Court cannot approve the accounting as submitted. Need amended accounting to include all of the conservatee's assets as indicated in the notes above. Court may wish to order Linda and Ron Ortiz and Chris Holdaway to file a separate accounting for the family business and set their accounting review for 3/26/09. The separate accounting to be filed 30 days in advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 10:30 DEPT: E1

CASE #: CONPS0700123

CASE NAME: DELMER MILLER
SEE ALSO 32

HEARING:
Hearing Re: Conservatorship Compliance Review

COUNSEL:
ROGER BUTLER (PET)...HORSPPOOL & PARKER
DELMER MILLER (PCE)...E JOAN NELMS

GENERAL INFORMATION:

Letters of Conservatorship (estate only) issued 8/20/07
Continued from **1/14/08** at request of counsel at the assets are being located.
Continued from **3/17/08** Oral reports given by Attorneys Horspool and Nelms.
Continued from **5/19/08** at request of counsel. Nothing new filed.
Continued from 07/21/08 and 10/27/08 at request of counsel. Parties are trying to determine what property Ronald Butler may have taken before the Conservatorship started. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Conservatorship Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Conservatorship were recorded on 9/17/07.
2. Court Investigator 6 month report in file. Court should review same.
3. **Partial Inventory & Appraisal filed. Need final I&A per Pr.C. § 2610.**
4. **Proof of recordation of letters in Riverside County filed. However, need proof of recordation of letters in San Bernardino County per Pr.C. § 2313.**

RECOMMENDATION:

When documents are not filed as ordered, court may set a hearing in accord with Pr.C. § 2655.
(gls/kra/vet/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 10:30 DEPT: E1

CASE #: CONPS0700123

CASE NAME: DELMER MILLER
SEE ALSO 31

HEARING:
Accounting Review

COUNSEL:
ROGER BUTLER (PET)...HORSPOOL & PARKER
DELMER MILLER (PCE)...E JOAN NELMS

GENERAL INFORMATION

Continued from 10/27/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Conservatorship of the estate granted 08-20-07, no bond.
2. No accounting filed. Need same.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.
(vet/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 10:30 DEPT: E1

CASE #: CONPS0800292

CASE NAME: PATRICK DANIEL MCNAMARA

HEARING:
Petition for Appointment of Conservator

COUNSEL:
TOM MCNAMARA (CPE)...HORSPOOL & PARKER
PATRICK DANIEL MCNAMARA (CEP)...

GENERAL INFORMATION

Temporary orders granted on 12/04/08. Medical capacity declaration required for general petition. \$90,000 bond required.

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator person and estate by brother.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner seeks medical powers. Need capacity declaration.
2. Petitioner requests \$90,000 bond [posted]; appears adequate.
3. Return of citation filed.
4. Court Investigator report filed.
5. The proposed Conservatee **can** complete an Affidavit of Voter Registration.

RECOMMENDATION

Need to correct notes. If approved, set hearing for filing of inventory and appraisal, including proof of service of inventory and appraisal and instructions for objection to inventory and appraisal, and care plan in accord with Pr.C. §§ 1830, 2352 and 2610 for **09/03/09**. Note requirements of local rule 20-1404.

(cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 10:30 DEPT: E1

CASE #: CONPS0800315

CASE NAME: GLADYS MIRRIAM BECK

HEARING:
Petition for Appointment of Conservator

COUNSEL:
PATRICIA STUBBS (PCR)...HARTNELL, LISTER & MOORE
GLADYS MIRRIAM BECK (PCE)...JOAN NELMS

GENERAL INFORMATION

Temporary orders granted on 12/05/08 person and estate; \$205,000 bond.
Joan Nelms appointed counsel.

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator person and estate by daughter.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests \$205,000 [posted] bond based upon estate value and annual income of \$200,751.15. As of 1/1/08, bond must be increased to include a reasonable amount for the cost of recovery to collect on the bond. For estates less than \$500,000 a 10% increase has been determined to be the reasonable amount of increase. Pr.C. 2320(c)(4), CRC Rule 7.207. Suggest \$220,827.00 bond.
2. Need Court Investigator report for general petition.
3. Return of citation filed.
4. Petitioner requests medical powers. Capacity declaration filed; however, section 5 is incomplete as to proposed Conservatee's ability to attend the hearing. Need completed capacity declaration.
5. Petitioner requests dementia powers. Dementia attachment filed for capacity declaration; however, section 5 of the Capacity declaration is incomplete as to proposed Conservatee's ability to attend the hearing. Need completed capacity declaration.
6. Petitioner requests dementia powers; however, the attached GC-313 to the petition is not attached. Need attachment.

7. Petitioner request dementia powers. Need report of counsel.
8. Declarations filed in support of proposed Conservator.

RECOMMENDATION

Need to correct notes. If approved, set hearing for filing of inventory and appraisal, including proof of service of inventory and appraisal and instructions for objection to inventory and appraisal, and care plan in accord with Pr.C. §§ 1830, 2352 and 2610 for **09/03/09**. Note requirements of local rule 20-1404.

(cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 10:30 DEPT: E1

CASE #: SC SS01496

CASE NAME: MATTER OF RICHARD DAMIENCKI

HEARING:
Accounting Review

COUNSEL:

LINDA MAXWELL (CPE)...ELISABETH KEMPE-OLINGER
RICHARD DAMIENCKI (CEP)...
LYNARD C. HINOJOSA (TP)...HINOJOSA KHOUGAZ & WALLET

GENERAL INFORMATION

Court Investigator memo indicated the Conservatee had passed away. Need final accounting.

THIS CASE SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Sixth accounting approved on 09/18/08. Need seventh and final accounting for period 05/01/08 – present.

RECOMMENDATION

Inquire status. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(cbr)

Future hearing dates: 07/22/10 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 10:30 DEPT: E1

CASE #: SC SS02039

CASE NAME: MTR RE JOAN SMITH

HEARING:

FOURTH AND FINAL Account and Report of DIANE D HARKISON and
Petition for allowance of fees filed.

COUNSEL:

DIANE D HARKISON (CPE)...M DANIEL SAYLOR
JOAN SMITH (CEP)...ANNETTE G DE BELLEFEUILLE

GENERAL INFORMATION:

Accounting covers period: 8/1/06 – 7/21/08
Assets on hand: \$226,127.10 (cash of \$224,904.85 and the balance in personal property)
The conservatee died on 2/5/08

Continued from 9/25/08 and 11/20/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Fourth and Final Account and Petition for
Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests fees of \$17,383.65, of which \$5,000 has been paid, leaving a balance due of \$12,383.65. Billed at various rates for various services not exceeding \$85/hour. Itemized. JTD
2. Attorney requests fees of \$3,409.75. Billed at \$275/hour for attorney time and \$60-\$85/hour for paralegal time. Itemized. JTD
3. Petitioner proposes to distribute the balance of the conservatorship estate to the personal representative of conservatee's probate estate.
4. Report of counsel is filed questioning gaps in checks as well as duplicate check numbers for different expenditures. Need verified supplement to address counsel's concerns. **Supp: Petitioner alleges through inadvertence and clerical error there are some duplicate check numbers indicated on petitioner's accounting which are corrected with the amended accounting submitted with the supplement.**

5. Court-appointed counsel, Attorney deBellefeuille, alleges a final bill for her time will be submitted. As this is a final accounting, need such request for fees to be submitted.
6. Petitioner alleges the remaining assets will be distributed to the personal representative of the estate of conservatee/decedent.

RECOMMENDATION:

Need Court-appointed counsel's request for fees if fees will be sought. Court's discretion re accounting. If approved, court to set hearing on filing receipts and final discharge for 1/28/10.

(gls/cbr/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 10:30 DEPT: E1

CASE #: SC SS02838

CASE NAME: MTTR OF GWENDOLYN L CHRISTENSEN

HEARING:

SECOND/CURRENT Account and Report of LAWRENCE DEAN II and
Petition for allowance of fees filed.

COUNSEL:

JOANNE FRENCH (CPE)...ELDER LAW CENTER, P.C.
LAWRENCE DEAN II (CPE)...SHERRI L KASTILAHN
GWENDOLYN L CHRISTENSEN (CEP)...

GENERAL INFORMATION:

Accounting covers period: 3/1/07 – 2/29/08

Assets on hand: \$1,412,529.11 (\$59,595.40 cash and the balance in securities and
mutual funds)

THIS CASE IS SET FOR HEARING ON Second Account Current and Petition for
Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner seeks fees of 1% of the gross value of the trust assets, or \$15,324.10 calculated at the end of each fiscal year. Petitioner alleges the normal custom and practice for San Bernardino County is 1%. However, the normal custom and practice for this county has been .75%. Thus, fees would compute to \$11,493.08 at .75%. Furthermore, the accounting reflects that Mr. Dean took periodic trustee fees during this accounting period in the total amount of \$15,500.00 during this accounting period which is more than the requested fee at 1%. It would appear that Mr. Dean owes a reimbursement to the trust estate (such reimbursement amount is dependant upon the amount of the court's approval of fees). JTD
2. Attorney requests fees and costs of \$5,544.00, yet the prayer seeks \$2,837.25. Billed at \$225/hour for 14.16 hours. This calculation is equal to \$3,186.00. Question if partial payment of fees has been received and if so,

what remaining balance is due and payable? Also, what portion of the requested fees is for costs? File verified supplement.

3. Petitioner alleges the current bond of \$1.6m is sufficient. The actual bond posted in this matter is \$1,715,000. Petitioner represents that the current fair market value of the assets is \$1,354,530.53 (carry value of \$1,412,529.11). A bond of \$1.6m would be sufficient, a reduction of \$115,000. JTD
4. Need current Court Investigator's report and payment of Court Investigator's fee.

RECOMMENDATION:

Need to clear notes and need Court Investigator's annual report.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 01/22/09 TIME: 10:30 DEPT: E1

CASE #: SC SS02903

CASE NAME: MATTER OF ELIZABETH JOSEPH

HEARING:

SECOND/CURRENT Account and Report of DEBORAH D PUSKAS and
Petition for allowance of fees filed.

COUNSEL:

KIMBERLY M SIMON	(CP)...ELISABETH KEMPE-OLINGER
DEBORAH D PUSKAS	(CE)...ELISABETH KEMPE-OLINGER
ELIZABETH JOSEPH	(CEP)...ANNETTE G DE BELLEFEUILLE

GENERAL INFORMATION:

Accounting covers period: 7/1/06 – 10/15/08

Assets on hand: \$416,118.35 (cash of \$136,118.35 and the balance in carry value of real property)

THIS CASE IS SET FOR HEARING ON Second Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner waives fees for this accounting period.
2. Attorney requests fees of \$10,295.00. Billed at \$250/hour for attorney time and \$80/hour for paralegal time for a total of 50.3 hours. Itemized. JTD
3. Petitioner requests authority to withdraw the remaining balance of \$68,522.00 from the blocked account in order to have sufficient funds to pay for conservatee's expenses (approx. \$4,400/month). JTD
4. Petitioner's current bond is \$100,000. However, with the withdrawal of the blocked funds, it would appear that the bond would be insufficient. With the current value of assets on hand, estimated annual income, bond recovery fee, giving credit for fees requested above, bond should be fixed at \$153,500 (an increase of \$53,500). JTD

RECOMMENDATION:

RFA subject to court's determination of fees, request to withdraw from blocked account and bond. If approved, set next accounting review for 1/27/11. Accounting to be filed 30 days in advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN PROBATE

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0600072

CASE NAME: EARL VARUNA NATHASINGH

HEARING:

FIRST AND FINAL Account and Report of SANDRA NATHASINGH and
Petition for allowance of fees filed.

COUNSEL:

SANDRA NATHASINGH (PET)...FRYE & HSIEH, LLP
EARL VARUNA NATHASINGH (DEC)...
KAMLA NATHASINGH (CLP)...THE CHUGH FIRM
JUSTIN NATHASINGH (CLP)...THE CHUGH FIRM
HEIRS KAMLA NATHASINGH (TP)...THE CHUGH FIRM

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges the estate is insolvent and has insufficient funds to pay the costs of administration and all debts of the decedent. Petitioner further alleges that the only asset of value of this estate is decedent's condo located at 5640 Riverside Drive, Chino. However, due to the declining market, petitioner has been unable to sell the property (the court has granted an order on 12/11/08 for petitioner to have the lender foreclose).
2. Petitioner alleges a contingent debt owed to decedent's estate is per a Dissolution Judgment whereby decedent's ex is required to pay \$50,000 to decedent's estate upon the sale of real property at 2508 Cottonwood Trail. Petitioner requests authority to file a lien upon the property.

3. Statutory compensation is \$10,064.07. However, petitioner requests statutory compensation of \$2,528.15 in light of the fact the real property was lost to foreclosure. Ok.
4. Petitioner requests reimbursement of costs advanced in the reduced amount of \$10,447.59. Itemized. Note: Petitioner is waiving reimbursement of the mortgage payments totaling \$4,466.94. Also, petitioner has agreed to forego the reimbursement of costs until such time as the contingent debt becomes due.
5. Statutory fees is \$10,064.07. However, attorney requests statutory fees of \$2,528.15 in light of the fact the real property was lost to foreclosure. Ok.
6. Attorney requests authority to reserve his request for extraordinary fees until such time as the contingent debt becomes vested and paid to the estate. Question how this is a final report and accounting if additional fees will be sought? File verified supplement.
7. **Objections filed by Kamla Nathasighn (decedent's former spouse) and Justin Nathasighn (decedent's minor son). Objector states that the amount of child support outstanding is approximately \$32,000 as well as minor's medical, vision and dental expenses of \$12,800 for a total of \$44,800. Objector requests a continuance to submit further points and authorities.**
8. **Reply to objections are filed.**

RECOMMENDATION:

Need verified supplement and then set for contested hearing.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0700502

CASE NAME: ELIZABETH ELLEN VAUGH

HEARING:
Accounting Review

COUNSEL:
MADELINE C DOUGLAS (PET)...PRO/PER
ELIZABETH ELLEN VAUGH (DEC)...

GENERAL INFORMATION

**Continued from 12/04/08 at request of petitioner. Accounting to be filed by 12/22/08.
Nothing new filed.**

THIS CASE SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter is set for Accounting Review. No accounting and/or status report has been filed.

RECOMMENDATION

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

(cbr)

Superior Court of Calif, County of San Bernardino

Page: 3

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0700636

CASE NAME: BETTY JO EARL
SEE ALSO 4

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

RAMONA ANAGNOS (PET)...PRO/PER
BETTY JO EARL (DEC)...

GENERAL INFORMATION:

Letters Testamentary issued 11/15/07 (full authority, no bond)

Continued from 05/29/08, 6/26/08 and 8/21/08. Court instructs petitioner to seek legal advice and orders petitioner to personally appear on 10/9/08 or bench warrant will issue.

Continued from 10/09/08. Petitioner advised that title to mobile home is in both the decedent's name and hers. Court suggested that petitioner seek legal advice to determine if probate is even necessary. Nothing new filed.

THIS CASE IS SET FOR HEARING ON OSC re sanctions for failure to appear and/or file an Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final Inventory and Appraisal filed.
2. **Note:** Decedent left a pourover will and petitioner has provided a copy of the Trust to which the pourover will distributes. The assets in the trust are a mobile home and furniture/furnishings. Court may wish to inquire if the assets are trust assets rather than probate assets and whether there are any assets subject to probate administration. Did assets get funded into the Trust?

RECOMMENDATION:

Court's discretion.

(gls/cbr/gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0700636

CASE NAME: BETTY JO EARL
SEE ALSO 3

HEARING:
Accounting Review

COUNSEL:
RAMONA ANAGNOS (PET)...PRO/PER
BETTY JO EARL (DEC)...

GENERAL INFORMATION

Letters testamentary issued 11/15/07 full authority no bond.

THIS CASE SET FOR HEARING ON Accounting Review and/or status report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter is set for Accounting Review. No accounting and/or status report has been filed.

RECOMMENDATION

Inquire status. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

(cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0700788

CASE NAME: GODFREY MARTIN

HEARING:
Petition to determine succession to Real Property

COUNSEL:
MARTIN W COOPER (PET)...BAZAN HUERTA & ASSOCIATES
GODFREY MARTIN (DEC)...

GENERAL INFORMATION:

Continued from **10/1/07** at request of counsel for I&A to be prepared by a probate referee.
Continued from **11/19/07** at request of counsel. Nothing new filed.

Continued from **01/28/08 and 03/24/08** for counsel to provide information about surviving heirs as of the time of decedent's death. Supplement and Inventory and Appraisal filed.

Continued from **4/28/08** at request of court. Need death certificate to determine exact date of death. Nothing new filed.

Continued from 6/23/08 for counsel to file verified supplement to clarify Henry's issues.

Continued from **8/4/08** for waivers from all 3 grandchildren and a property tax certification. Nothing new filed.

Continued from 9-22-08 and 10/20/08. Court indicated that a new inventory and appraisal was filed on 9-18-08. In fact this document was merely a property tax certificate. A waiver of interest was filed by Anne Martin. Nothing new filed.

Continued from 11/20/08 at request of counsel to clear notes. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is grandson, seeks to determine succession to decedent's real property (alleges intestacy).
2. I&A filed indicating \$27,500 property value. Final I&A filed. However, as the exact date of death could not be provided, the value is estimated for the period of 1972. If court requires copy of death certificate, Court may wish to require a Corrected Final I&A. **Supp: indicates date of death is 05/05/1972. Judge to decide if I&A is sufficient.**

3. Supplement filed indicating petitioner has paid property taxes since the death of Dorothy Martin.
4. Petitioner did not complete section 9a re existence of spouse or children (and note that this information would be as of 1972 date of death). Supp: Spouse pre-deceased decedent; Dorothy Cooper and Harry L. Martin post-deceased decedent. Dorothy Cooper is survived by petitioner. **2nd Supp (filed 7/21/08): Harry Martin has three children: Anne, David and James Martin. James Martin waives his interest in property. Need waiver and/or assignment of interest from David.**
5. The supplements filed are unverified. A supplement to a pleading must be signed and verified. However, the court may, in the exercise of its discretion, accept for filing and consider a supplement to a pleading signed under penalty of perjury by an attorney for the party offering it, where the information contained in the supplement is particularly within the knowledge of the attorney (CRC 7.104). JTD
6. **Need to file Inheritance Tax Certificate as date of death is 1972.**

RECOMMENDATION

Need to clear notes 4 and 6 then Court's determination re notes 2 and 5.

(/cbr/gls/kra/cbr/KRA/NMT/gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0700812

CASE NAME: TESSIE M RATLEY

HEARING:
Probate status report filed.

COUNSEL:
RALPH L RATLEY (PET)...ROBBINS & HOLDAWAY
TESSIE M RATLEY (DEC)...
CATRINA RATLEY (TP)...MILES & HATCHER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner indicates the estate is not in a position to be closed until the residence is sold. However, petitioner does not set forth a time period in which the estate will be ready to close. Need to file verified supplement.

RECOMMENDATION

Need to clear note.

(cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0700818

CASE NAME: MILDRED D. EVANS
SEE ALSO 8

Vacated – final Inventory and Appraisal filed.

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:
JOHN DAVID EVANS (PET)...JOHN M CARMACK
MILDRED D EVANS (DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0700818

CASE NAME: MILDRED D. EVANS

SEE ALSO 7

HEARING:

FIRST AND FINAL Account and Report of JOHN DAVID EVANS and Petition for allowance of fees filed.

COUNSEL:

JOHN DAVID EVANS (PET)...JOHN M CARMACK
MILDRED D EVANS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Report on Waiver of Accounting and Petition for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service.
2. Petitioner, as sole acting trustee of the Evans Family Trust dated 9/11/91, and amended and restated on 5/9/03, waives the necessity of an accounting.
3. Petitioner waives statutory compensation.
4. Attorney requests statutory fees of \$4,399.00. Ok.

RECOMMENDATION:

RFA subject to note 1. If approved, court to set hearing on filing receipts and final discharge for 1/28/10.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0700952

CASE NAME: MTR OF ROBERT C SLOCUM AKA BOB SLOCUM

VACATED- WAIVER OF ACCOUNTING FILED AND IS SET ON 02/09/09.

HEARING:
Accounting Review

COUNSEL:
LORRAINE M SLOCUM (PET)...SKVARNA LAW FIRM
ROBERT C SLOCUM (DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0701148

CASE NAME: JOHN R. LIVACICH

SEE ALSO 11 THROUGH 13

HEARING:
Hearing Re: WILL CONTEST AND GROUNDS OF OPPOSITION

COUNSEL:

LORRAINE C LIVACICH	(PET)...	ROY A BARRY
JOHN R LIVACICH	(DEC)...	
LORI ANN LIVACICH	(PET)...	RAIMUND FREIHUBE, ESQ.
LORRAINE LIVACICH	(PET)...	ROBERT G JOHNSON
JOHN R LICACICH	(DEC)...	
LORRAINE LIVACICH	(PET)...	ROBERT G JOHNSON
JOHN R LIVACICH	(DEC)...	
JOSEPH ANTICEVICH	(OBJ)...	RAIMUND FREIHUBE, ESQ.
CATHERINE CATSOURAS	(RAIMUND FREIHUBE, ESQ.)...	RAIMUND F
LORI ANN LIVACICH	(RAIMUND FREIHUBE, ESQ.)...	RAIMUND F
LORRAINE LIVACICH	(ROBERT G JOHNSON)...	ROBERT G
STATE OF CALIFORNIA FRANCHISE (PRO/PER)...	PRO/PER

SEE CONFIDENTIAL MEMO

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0701148

CASE NAME: JOHN R. LIVACICH

SEE ALSO 10 THROUGH 13

HEARING:
Hearing Re: REPORT OF SPECIAL ADMINISTRATOR

COUNSEL:

LORRAINE C LIVACICH	(PET)...	ROY A BARRY
JOHN R LIVACICH	(DEC)...	
LORI ANN LIVACICH	(PET)...	RAIMUND FREIHUBE, ESQ.
LORRAINE LIVACICH	(PET)...	ROBERT G JOHNSON
JOHN R LICACICH	(DEC)...	
LORRAINE LIVACICH	(PET)...	ROBERT G JOHNSON
JOHN R LIVACICH	(DEC)...	
JOSEPH ANTICEVICH	(OBJ)...	RAIMUND FREIHUBE, ESQ.
CATHERINE CATSOURAS	(RAIMUND FREIHUBE, ESQ.)...	RAIMUND F
LORI ANN LIVACICH	(RAIMUND FREIHUBE, ESQ.)...	RAIMUND F
LORRAINE LIVACICH	(ROBERT G JOHNSON)...	ROBERT G
STATE OF CALIFORNIA FRANCHISE (PRO/PER)...	PRO/PER

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0701148

CASE NAME: JOHN R. LIVACICH
SEE ALSO 10 THRU 13

HEARING:
Hearing Re: MOTION FOR ORDER DIRECTING COMPLIANCE WITH
CONTESTANT LORRAINE LIVACICH'S DEPO

COUNSEL:

LORRAINE C LIVACICH	(PET)...	ROY A BARRY
JOHN R LIVACICH	(DEC)...	
LORI ANN LIVACICH	(PET)...	RAIMUND FREIHUBE, ESQ.
LORRAINE LIVACICH	(PET)...	ROBERT G JOHNSON
JOHN R LICACICH	(DEC)...	
LORRAINE LIVACICH	(PET)...	ROBERT G JOHNSON
JOHN R LIVACICH	(DEC)...	
JOSEPH ANTICEVICH	(OBJ)...	RAIMUND FREIHUBE, ESQ.
CATHERINE CATSOURAS	(RAIMUND FREIHUBE, ESQ.)...	RAIMUND F
LORI ANN LIVACICH	(RAIMUND FREIHUBE, ESQ.)...	RAIMUND F
LORRAINE LIVACICH	(ROBERT G JOHNSON)...	ROBERT G
STATE OF CALIFORNIA FRANCHISE (PRO/PER)...	PRO/PER

No notes – Judge to decide

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0701148

CASE NAME: JOHN R. LIVACICH
SEE ALSO 10 THRU 13

HEARING:

Motion Re: ORDER SETTING ASIDE ORDER OF SEPTEMBER 4.2008 ETC
Filed by Petitioner LORI ANN LIVACICH, JOSEPH ANTICEVICH,
CATHERINE CATSOURAS

COUNSEL:

LORRAINE C LIVACICH	(PET)...	ROY A BARRY
JOHN R LIVACICH	(DEC)...	
LORI ANN LIVACICH	(PET)...	RAIMUND FREIHUBE, ESQ.
LORRAINE LIVACICH	(PET)...	ROBERT G JOHNSON
JOHN R LICACICH	(DEC)...	
LORRAINE LIVACICH	(PET)...	ROBERT G JOHNSON
JOHN R LIVACICH	(DEC)...	
JOSEPH ANTICEVICH	(OBJ)...	RAIMUND FREIHUBE, ESQ.
CATHERINE CATSOURAS	(RAIMUND FREIHUBE, ESQ.)...	RAIMUND F
LORI ANN LIVACICH	(RAIMUND FREIHUBE, ESQ.)...	RAIMUND F
LORRAINE LIVACICH	(ROBERT G JOHNSON)...	ROBERT G
STATE OF CALIFORNIA FRANCHISE (PRO/PER)...	PRO/PER

No notes – Judge to decide.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0701148

CASE NAME: JOHN R. LIVACICH
SEE ALSO 10 THRU 13

HEARING:

Hearing Re: MOTION RE: SANCTIONS AGAINST JOSEPH ANTICEVICH
SUCCESSOR TRUSTEE Filed by Petitioner LORRAINE LIVACICH

COUNSEL:

LORRAINE C LIVACICH	(PET)...	ROY A BARRY
JOHN R LIVACICH	(DEC)...	
LORI ANN LIVACICH	(PET)...	RAIMUND FREIHUBE, ESQ.
LORRAINE LIVACICH	(PET)...	ROBERT G JOHNSON
JOHN R LICACICH	(DEC)...	
LORRAINE LIVACICH	(PET)...	ROBERT G JOHNSON
JOHN R LIVACICH	(DEC)...	
JOSEPH ANTICEVICH	(OBJ)...	RAIMUND FREIHUBE, ESQ.
CATHERINE CATSOURAS	(RAIMUND FREIHUBE, ESQ.)...	RAIMUND F
LORI ANN LIVACICH	(RAIMUND FREIHUBE, ESQ.)...	RAIMUND F
LORRAINE LIVACICH	(ROBERT G JOHNSON)...	ROBERT G
STATE OF CALIFORNIA FRANCHISE (PRO/PER)...	PRO/PER

No notes – Judge to decide

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0701148

CASE NAME: JOHN R. LIVACICH
SEE ALSO 10 THRU 12

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

LORRAINE C LIVACICH	(PET)...	ROY A BARRY
JOHN R LIVACICH	(DEC)...	
LORI ANN LIVACICH	(PET)...	RAIMUND FREIHUBE, ESQ.
LORRAINE LIVACICH	(PET)...	ROBERT G JOHNSON
JOHN R LICACICH	(DEC)...	
LORRAINE LIVACICH	(PET)...	ROBERT G JOHNSON
JOHN R LIVACICH	(DEC)...	
JOSEPH ANTICEVICH	(OBJ)...	RAIMUND FREIHUBE, ESQ.
CATHERINE CATSOURAS	(RAIMUND FREIHUBE, ESQ.)...	RAIMUND F
LORI ANN LIVACICH	(RAIMUND FREIHUBE, ESQ.)...	RAIMUND F
LORRAINE LIVACICH	(ROBERT G JOHNSON)...	ROBERT G
STATE OF CALIFORNIA FRANCHISE (PRO/PER)...	PRO/PER

DO NOTES THEN GIVE TO LR FOR RVW OF MOTIONS
LR FOR MOTION

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0800068

CASE NAME: GARY C. MYERS

HEARING:
Readiness Calendar

	COUNSEL:
ROY R HOFFMAN	(PET)...BARBARA G. KNOX
GARY C MYERS	(DEC)...
CHRISTY K KING	(CON)...GIESER & ASSOCIATES

No notes – matter on for Readiness

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0800156

CASE NAME: MTR OF FRED ANTHONY ZEPEDA

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JOEL GONZALEZ (PET)...PRO/PER
FRED ANTHONY ZEPEDA (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final Inventory and Appraisal filed. However, need bank statements to support date of death balances for bank accounts per local rule 20-908.

RECOMMENDATION

Need bank statements.

(cbr)

Future hearing dates: 08/27/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0800160

CASE NAME: In re Estate of Roberto Salas-Reyes

HEARING:

WAIVER OF Account and Report of ROBERT SALAS and Petition for allowance of fees filed.

COUNSEL:

ROBERT SALAS (PET)...ELISABETH KEMPE-OLINGER
ROBERTO SALAS-REYES (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Waiver of Accounting and Petition for Allowance of Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Sole beneficiary waives accounting.
2. Petitioner waives his right to statutory commission.
3. Petitioner requests reimbursement of fees/costs paid to attorney in the amount of \$4,000. Ok.
4. Attorney requests statutory fees of \$5,504.23, of which \$4,000.00 has been paid leaving a balance of \$1,504.23.
5. Petitioner requests to withhold \$1,000 for taxes. Judge to decide
6. Petitioner requests reimbursement of costs paid for administration of \$1,676.00

RECOMMENDATION

RFA. If approved, court to set hearing on filing receipts and final discharge for 1/28/10.
(cbr/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0800448

CASE NAME: JOAN A. ABRAMOFF

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
DIANE HARKISON (PET)...M DANIEL SAYLOR
JOAN A. ABRAMOFF (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final Inventory and Appraisal filed. However, need bank statements to support date of death balances for bank accounts per local rule 20-908.

RECOMMENDATION
Need bank statements.

(cbr)

Future hearing dates: 08/27/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0800450

CASE NAME: PETER MARCIANTI

HEARING:
Readiness Calendar

	COUNSEL:
JOSEPH BONO	(PET)...ROGER VON KAESBORG
PETER MARCIANTI	(DEC)...
MARIE MARCIANTI	(PET)...ROBERT A KRASNEY
MARIE MARCIANTI	(PET)...ROBERT A KRASNEY
PETER MARCIANTI	(DEC)...
MARIE MARCIANTI	(PET)...ROBERT A KRASNEY
PETER MARCIANTI	(DEC)...
MARIE MARCIANTI	(PET)...ROBERT A KRASNEY
PEITRO MARCIANTI	(DEC)...

No notes – matter on for Readiness

Future dates

1/26/09 petition for letters of administration w/full
1/26/09 court trial for supplemental petition for probate
1/26/09 petition for substitution of administrator/amended letters

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0800532

CASE NAME: FRANK E PONTIUS LIVING TRUST

HEARING:

FIRST & FINAL Account and Report of BETTY J PONTIUS and Petition
for allowance of fees filed.

COUNSEL:

KATHRYN I PONTIUS (PET)...FULLERTON LEMANN SCHAEFFER & D
BETTY J PONTIUS (PET)...EDWARD B FISCHER & ASSOCIATES

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Report of Successor
Trustee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the surviving spouse and co-trustee of the Frank E. Pontius Living Trust established 5/4/00. Petitioner alleges the original settlor died 2/11/08. Petitioner proposes to distribute the trust estate in accordance with the terms of the trust.
2. Petitioner requests fees for her services rendered equal to 1% of the remaining assets, or \$7,737.36. JTD
3. Attorney requests the fees already taken in the amount of \$5,352.00. Billed at \$250/hour for attorney time and \$60/hour for paralegal time. Itemized. JTD
4. Petitioner requests authority to withhold \$5,000 to cover any outstanding attorney's fees through 11/22/08 or any unforeseen contingencies and distribute any unused balance to the beneficiaries after the end of 180 days.

RECOMMENDATION:

RFA subject to court's determination of fees. If approved, court to set hearing on filing receipts and final discharge for 1/28/10.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0801030

CASE NAME: LINO A. DONATONI FAMILY TRUST

HEARING:

Petition for REMOVING TRUSTEE; APPOINTING SUCCESSOR TRUSTEE &
COMPELLING TRUSTEE TO REPORT & ACCOUNT

COUNSEL:

MAUREEN GROSS (PET)...FREEMAN, FREEMAN & SMILEY, LLP

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Remove Trustee, Appointing
Successor Trustee and Compelling Trustee to Report and Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the daughter of Elsie McCray Donatoni (and successor trustee of the Elsie McCray Donatoni Revocable Trust dated 5/8/07) and remainderman beneficiary of the original Lino Donatoni Trust but was subsequently removed by Restatement. Elsie McCray Donatoni was the sole lifetime beneficiary of the Lino A. Donatoni Family Trust dated 6/10/97 which was amended and restated on 5/18/05. Elsie was the surviving spouse of Lino A. Donatoni who created the trust. Lino died on 8/3/07 and Elsie died on 7/23/08. The current successor trustee of Lino's trust is Linda Gross (respondent). Petitioner alleges that Lino significantly changed his estate plan by amending and restating his trust by eliminating petitioner and James as beneficiaries, eliminating Elsie and James as successor co-trustees and naming respondent as both the successor trustee and beneficiary of Lino's trust. Upon Lino's death, the trust provided that the trust was to be subdivided into two trusts, the exemption trust and the marital trust. Elsie was the sole income beneficiary of both sub-trusts. The trust also contained specific provision regarding the principal family residence located in Toluca Lake which profits that "the trustee may exchange the residence for other residential property or sell the residence only with the

consent of the surviving spouse, or if the surviving spouse is unable or unwilling to give such consent, with the consent of the surviving spouse's attorney in fact..." Petitioner requests that respondent be removed as successor trustee as she breached her fiduciary duties by failing to communicate with Elsie during her lifetime, failing to distribute any income to Elsie during her lifetime, taking steps to sell the family residence without the consent of Elsie and misappropriating Lino's pension payments that property belonged to Elsie. Furthermore, petitioner requests that respondent be required to account for her actions as successor trustee.

2. Question whether petitioner has made written request for an accounting and whether 60 days has elapsed from such request as required per Pr.C. §17200(a)(7)? File verified supplement with copy of written request for accounting.
3. Petitioner requests that respondent be ordered to turn over to petitioner as successor trustee of Elsie's Trust all property, including Lino's pension benefits that belonged to Elsie.
4. Three of the remainderman beneficiaries addresses are unknown. Need due diligence declaration identifying efforts to locate these beneficiaries.

RECOMMENDATION:

Need verified supplement. Court's discretion re compelling an accounting. Set for Evidentiary hearing.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0801050

CASE NAME: KATHLEEN COLCLASURE GROVE

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

MARGARET L. REAUGH (PET)...PRO/PER
KATHLEEN COLCLASURE GROVE (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Probate, Letters Testamentary with Full
Authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond; however petitioner is a non-resident. Does court wish to set
minimum bond per Pr. C. § 8571? Judge to decide
2. Will is not self proving. Need proof of subscribing witness.
3. Need notice to petition to administer estate.

RECOMMENDATION

Need to clear notes then Court's discretion. If approved, set future hearing for
Accounting/Status Review on 04/01/10. Any accounting to be filed 30 days in advance.
Note requirements of local rule 20-908.

(cbr)

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0801068

CASE NAME: ALEIN JANET KIMBRO

HEARING:

Hearing re: Petition for Letters of Administration w/WA W/Full
Authority under IAEA.

COUNSEL:

CANDACE L. RUSHIDDIN (PET)...PRO/PER
ALEIN JANET KIMBRO (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration w will annexed
with full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need notice to petition to administer estate.
2. Petitioner is a nominee of the executor and beneficiary of the will. However, there is an alternate named executor, Margo Carlotta Eddings, who has priority to act. Need declination from Ms. Eddings.
3. Executor signed declination to act.
4. Will is not self proving. Need proof of subscribing witness.
5. Petitioner indicates will waives bond therefore no bond is required. However, the will does not waive bond as to petitioner. There is personal property of \$500 and real property valued at \$165,000. Does petitioner intend to get bond waivers as petitioner is self represented and will not be able to obtain a bond? Alternatively, does petitioner wish to seek limited authority? Need to file verified supplement.
6. Need notice to Petition to Administer Estate.
7. Need to file proof of publication.

RECOMMENDATION

Need to clear notes. If approved, set future hearing for Accounting/Status Review on
04/01/10. Any accounting to be filed 30 days in advance. Note requirements of local rule
20-908.

(cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: PROPS0801078

CASE NAME: ERMA MAE REPP

HEARING:
Petition for INSTRUCT TRUSTEE

COUNSEL:
LAURA M TREMAIN (PET)...WILLIAM M NASSAR & ASSOCIATES
ERMA MAE REPP (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Instruct Trustee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service.
2. Petitioner alleges that decedent had an estate plan that included an Inter Vivos Trust and other supporting documents. Petitioner is the acting successor trustee of such Trust dated 2/15/90. Petitioner further alleges that it was the settlor's intent at the time of the creation of the trust that all of settlor's assets be transferred to the trust. However, decedent inadvertently failed to transfer legal title to one of her real property assets into the trust, particularly a condominium in King County, Washington at 10846 NE 35th Place, Bellevue. Petitioner requests that the real property be transferred to the trust pursuant to the authority of Estate of Heggstad (1993) 16 Cal App 4th 943 (1993) 16 CA 4th 943.
3. Petitioner alleges a copy of the Trust is attached as Exhibit "B". However, only the Amendment to the Trust Agreement is affixed. Need a copy of the original Trust to determine settlor's intent re assets to be held in the Trust.

RECOMMENDATION:

Need to clear notes.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: RPRRS03002

CASE NAME: RICHARD WELLS

HEARING:
Accounting Review

COUNSEL:
KIYOKO WELLS (PET)...JENNIFER L FIELD
RICHARD WELLS (DEC)...

GENERAL INFORMATION:

Continued from 12/01/08 at request of counsel to file status report. Nothing new filed.

THIS CASE SET FOR HEARING ON Accounting Review and/or Status Report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1 This matter is set for Accounting Review. No accounting and/or status report has been filed.

RECOMMENDATION

When a personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. There is no bonding company to notice.
(vet/cbr)

Superior Court of Calif, County of San Bernardino

Page: 25

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: SPRSS03664

CASE NAME: EST OF GRACE MCDONALD

HEARING:

Hearing re Final Discharge

COUNSEL:

KENNETH JINGLES	(PET)...MARTIN E KELLER
GRACE MCDONALD	(DEC)...
VICTOR L MAYO	(PET)...PRO/PER

GENERAL INFORMATION:

Order for Final Distribution entered 4/1/05.

Continued several times since 4/14/06 and last from 8/7/08 at request of counsel to provide receipts.

Continued from 9/11/08 for review of Ex-parte petition for final discharge

Continued from **10-23-08** on court's motion. Notice given by Courtroom Clerk. Nothing new filed.

Continued from 12/01/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Order for Final Distribution entered 4/1/05.
2. Final Discharge Declaration was returned on 5/20/08 as a receipt was needed from Kenneth Jingles (petitioner). If petitioner is present, court could verify that he received his distributive share. Receipt has been filed.
3. Ex-parte Petition/Order submitted on 9/10/08 was returned for correction. Petition/Order has not been re-submitted.

RECOMMENDATION:

Need ex parte petition for final discharge and order (see note 2). No bonding company to notice.

(/gls/cbr/kra/vet/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: SPRSS06812

CASE NAME: ESTATE OF BETTY JANE SHELTON
SEE ALSO 27

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

HENRY SHELTON (PET)...GUAY P WILSON
BETTY JANE SHELTON (DEC)...

GENERAL INFORMATION:

I&A hearings continued from **8/25/06, 11/30/06, 2/26/07, 6/4/07** (No appearance, OSC set), **7/16/07, 8/20/07** (Counsel is obtaining assistance of CPA to complete I&A. OSC taken off-calendar), **10/15/07, 1-7-08, 2/11/08, 4/7/08, and 05/29/08**.

On **6/30/08** court set this OSC hearing as there was no appearance or I&A filed. Citation issued to Henry Shelton. Court orders Henry Shelton's powers suspended.

Continued from **8/11/08** powers of Henry Shelton are reinstated and an inventory & appraisal and an accounting are to be filed. Nothing new filed.

Continued from 10-06-08 and 12/01/05 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Inventory & Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters testamentary issued 1/20/06, no bond.
2. No inventory filed. Need Final I&A.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. §8804 and/or 8505. No bonding company to notice.

(/kra/NMT/kra/gls/cbr/kra/cbr/kra/vet/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: SPRSS06812

CASE NAME: ESTATE OF BETTY JANE SHELTON
SEE ALSO 26

HEARING:
Accounting Review

COUNSEL:
HENRY SHELTON (PET)...GUAY P WILSON
BETTY JANE SHELTON (DEC)...

GENERAL INFORMATION:

Continued from **4/5/07, 6/4/07, 7/16/07, 8/20/07, 10/15/07, 1/7/08, 2/11/08, 4/7/08, 5/29/08,** and **6/30/08**. Nothing new filed. On 6/30/08 Court suspended powers of Henry Shelton. Continued from **8/11/08** powers of Henry Shelton are reinstated and an accounting covering a 3 year period of the estate is to be filed 30 days prior to the hearing. Nothing new filed.

Continued from 10-06-08 and 12/01/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 1/20/06, no bond.
2. No accounting or status report of administration filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq. Court may wish to notice PA of possible appointment. No bonding company to notice.

(kra/vet/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: SPRSS07080

CASE NAME: ESTATE OF WENDELL A JONES

HEARING:

Order to Show Cause re: FAILURE TO APPEAR/FILE FINAL DISCHARGE
filed by DONALD RADCLIFF.

COUNSEL:

DONALD RADCLIFF (PET)...STEPHEN P AJALAT
WENDALL A JONES (DEC)...

GENERAL INFORMATION:

Order for Final Distribution entered 10/4/07

Continued from 8/14/08 and 9/18/08. No appearance. Nothing new filed.

Continued from 10/23/08 Court imposes no sanctions but admonishes counsel that he
must appear in person or by court-call at the next hearing. Nothing new filed.

Continued from 12/01/08 at request of counsel to file receipts.

THIS CASE IS SET FOR HEARING ON OSC re failure to appear and/or file receipts and
Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Receipt filed from Assignee of interest "American Research Bureau". Need
receipt from Cameron Jones for remainder of estate.
2. Need Ex Parte Petition for Final Discharge and Order

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in
accord with Pr.C. § 8505. Clerk to notice bond company.

(gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 9:00 DEPT: E2

CASE #: SPRSS07232

CASE NAME: MTR OF FERMIN O GONZALES

HEARING:
Probate status report filed.

COUNSEL:

JUANITA MOTA	(PET)...DUANE P BOOTH
STELLA MAGANA	(PET)...DUANE P BOOTH
LUPE GONZALES	(PET)...DUANE P BOOTH
FERMIN O GONZALES	(DEC)...

GENERAL INFORMATION:

Continued from 5/15/08 at request of counsel.

Continued from 11/13/08 for attorney Booth to file new status report and file notice of hearing and proof of service. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Probate Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Notice of hearing and proof of service is filed, however, notice does not comply with Pr.C. §12201(b).
2. Petitioners allege the estate is not in a position to close as the real property must be sold. Petitioners do not indicate the amount of time necessary to conclude the estate administration.

RECOMMENDATION:

Need notice and new status report. If approved, court may wish to set next accounting review for 5/21/09.

(gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN CONSERVATORSHIPS

DATE: 01/22/09 TIME: 10:30 DEPT: E2

CASE #: CONPS0800092

CASE NAME: MINNIE JO BAKER

VACATED- ACCOUNTING WAS FILED AND HEARD ON 01/07/09.

SEE ALSO 31

HEARING:

Hearing Re: TO CONFIRM ACCOUNTING FILED BY JAMIE RICE

COUNSEL:

JAMIE RICE	(CPE)...PRO/PER
MINNIE JO BAKER	(CEP)...SHERRI L KAS TILAHN
THOMAS BAKER	(PCR)...
JAMIE JO RICE	(PET)...PRO/PER
LORETTA STONEHOUSE	(OBJ)...PRO/PER
RENA MUNN	(PRO/PER)...PRO/PER

X REF PRO0800278

FUTURE HEARING DATES:

2/11/09 FIRST Account and Report of RICHARD WYSONG and Petition for allowance of fees filed.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 10:30 DEPT: E2

CASE #: CONPS0800092

CASE NAME: MINNIE JO BAKER

SEE ALSO 30

HEARING:

Ex parte hearing re: OBJECTION OF TEMPORARY CONSERVATORSHIP

COUNSEL:

JAMIE RICE	(CPE)...PRO/PER
MINNIE JO BAKER	(CEP)...SHERRI L KAS TILAHN
THOMAS BAKER	(PCR)...
JAMIE JO RICE	(PET)...PRO/PER
LORETTA STONEHOUSE	(OBJ)...PRO/PER
RENA MUNN	(PRO/PER)...PRO/PER

Ex Parte hearing – Judge to decide

X REF PRO0800278

FUTURE HEARING DATES:

2/11/09 FIRST Account and Report of RICHARD WYSONG and Petition for allowance of fees filed.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 10:30 DEPT: E2

CASE #: CONPS0800108

CASE NAME: ABIOBUN S. O. SHODIYA

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of CHARLOTTE R. JACKSON

COUNSEL:

CHARLOTTE R. JACKSON (PCR)...PRO/PER
ABIOBUN S. O. SHODIYA (PCE)...E JOAN NELMS

GENERAL INFORMATION:

Letters of Conservatorship (person and estate) issued 5/29/08

Continued from 11/20/08. Counsel was directed to investigate whereabouts of her client. Court Investigator's memo filed 10/31/08 indicated they cannot contact Conservator or Conservatee. Court ordered that Conservator be present on 01/22/09. Notice given by courtroom clerk. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Conservatorship Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Care Plan is filed.
2. No inventory is filed. Need same. If there are no assets, need inventory showing a zero value estate.
3. Memo filed by Court Investigator on 10/31/08. Need six month Court Investigator report.

RECOMMENDATION:

Inquire re status of inventory and need Court Investigator report.
(gls/cbr)

Future hearing dates: 08/06/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 10:30 DEPT: E2

CASE #: CONPS0800276

CASE NAME: MTR OF JOSE LUIS VELASQUEZ CORONA

HEARING:
Petition for Appointment of Conservator

COUNSEL:
AURELIA CORONA (CP)...PRO/PER
JOSE LUIS VELASQUEZ CORONA (CTP)...J. DAVID HORSPOOL

GENERAL INFORMATION

Continued from 12/01/08. Court appointed counsel David Horspool for proposed Conservatee. Notice given by courtroom clerk. Spanish interpreter needed.

THIS CASE IS SET FOR HEARING ON Petition for LIMITED conservatorship of the person only by mother

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. No bond – person only.
2. Petitioner requests medical powers. Need Medical Capacity Declaration.
3. Petitioner requests powers under Pr.C. §§2351-2358 to include the power to give consent for medical treatment, and to secure education/training as appropriate.
4. Petitioner requests orders limiting the civil and legal rights of the proposed limited conservatee as to fixing residence outside California without Court order.
5. Petitioner requests an order waiving the Assessment Fee as the proposed conservatee's estate's only source of income is SSI.
6. Court must appoint counsel for proposed conservatee (limited conservatorship) per Pr.C. §1471.
7. Proposed conservatee is developmentally disabled. Need IRC report (limited conservatorship, Pr.C. §1827.5).
8. Court Investigator's report filed
9. Proposed conservatee will attend the hearing.
10. Need notice of hearing and proof of service.

RECOMMENDATION:

If approved, set hearing for Compliance Review for **09/03/09** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); and Care Plan per Pr.C.§2352.5.

(kra/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 10:30 DEPT: E2

CASE #: MC MS00092

CASE NAME: MATTER OF CEASAR LIMCACO RESURRECCION

VACATED

HEARING:

Hearing Re: CONFIRMATION OF TRANSFER

COUNSEL:

MARIA P KENNEDY (PET)...PRO/PER
CRASAR LIMCACO RESURRECCION (CEP)...
BARRY S ESKIN (TP)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 10:30 DEPT: E2

CASE #: SC SS01254

CASE NAME: IN THE MATTER OF ALLEN RHAJIVE CARABALLO

HEARING:
Accounting Review

COUNSEL:
ALLEN RAJHIVE CARABALLO (CEP)...ANNETTE G DE BELLEFEUILLE
ARDIS ENRIGHT (CPE)...PRO/PER
RON OLUND (SC)...J. DAVID HORSPOOL
AMERICAN CONTRACTORS INDEMNITY(TP)...PRO/PER

GENERAL INFORMATION

Continued from 12/04/08 at request of counsel as accounting will be ready the following week. Nothing new filed.

THIS CASE SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Ron Lund ordered to file an accounting before 11/04/08. No accounting has been filed.

RECOMMENDATION

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. Clerk to notice bond company.

(/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 10:30 DEPT: E2

CASE #: SC SS02480

CASE NAME: MTR OF JEANNETTE COOK

HEARING:
Accounting Review

COUNSEL:
JOHN TOY (CPE)...BYRON E CONGDON
JEANNETTE COOK (CEP)...JAMES B CHURCH

GENERAL INFORMATION:

Second Accounting due for the period 5/1/07 – 5/8/08

Continued from 8/7/08 at request of counsel. Nothing new is filed.

Continued from **09/25/08** at request of counsel. Order approving 1st accounting needs to be filed and signed by the court. Counsel to file the 2nd and final accounting by **11/04/08**. Nothing new filed re this matter.

Continued from 12/04/08 at request of counsel to file accounting by 12/22/08.

Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk to notice bond company.

(gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 10:30 DEPT: E2

CASE #: SC SS02888

CASE NAME: MTR OF ETTIE MAE FENNELL
SEE ALSO 38

HEARING:

Order to Show Cause re: SANCTIONS filed by ETTIE MAE FENNELL.

COUNSEL:

ETTIE MAE FENNELL	(CEP)...E. JOAN NELMS
MELODIE Z. SCOTT	(CPE)...
JOHNNY B HUDSON	(CPE)...GREGORY A. PAIVA & ASSOCIATES
JOHNNY B HUDSON	(CPE)...GREGORY A. PAIVA & ASSOCIATES
ETTIE MAE FENNELL	(CEP)...
AUNDRE JOHNSON	(TP)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON OSC re Sanctions

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter was set at 12/01/08 hearing when Attorney Paiva did not appear in court after continuance was denied.

RECOMMENDATION

Court's discretion

(cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 10:30 DEPT: E2

CASE #: SC SS02888

CASE NAME: MTR OF ETTIE MAE FENNELL
SEE ALSO 37

HEARING:

FIRST Account and Report of JOHNNY B HUDSON and Petition for allowance of fees filed.

COUNSEL:

ETTIE MAE FENNELL	(CEP)...E. JOAN NELMS
MELODIE Z. SCOTT	(CPE)...
JOHNNY B HUDSON	(CPE)...GREGORY A. PAIVA & ASSOCIATES
JOHNNY B HUDSON	(CPE)...GREGORY A. PAIVA & ASSOCIATES
ETTIE MAE FENNELL	(CEP)...
AUNDRE JOHNSON	(TP)...

GENERAL INFORMATION:

Accounting covers period 11/30/06 – 2/29/08

Assets on hand: \$228,335.69 (cash of \$27,947)

Continued from 9/11/08 to clear notes.

Continued from 10/23/08 at request of counsel to get original bank statements.

Continued from 12/01/08. Attorney Paiva requested a continuance, which was denied. Attorney Paiva did not appear in court. Court advised counsel that they could file requests for sanctions with the court prior to the hearing for their time in court. Notice given by courtroom clerk. Nothing new filed.

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service. Note: Notice of Continuance filed with proof of service.
2. Petitioner alleges that conservatee's grandson, Aundre Johnson, advanced the sum of \$9,938.60, of which \$500 was reimbursed, for conservatee's expenses. The sum of \$9,438.60 is due to Aundre Johnson.

3. Petitioner alleges that he received the sum of \$14,672.26 from Melodie Z. Scott, former conservator. Petitioner retained a CPA to determine if the funds were accurate and after an audit, found that there is a discrepancy of the funds turned over by \$20,749.34. Petitioner requests that the Court cite Melodie Z. Scott into court to account for the discrepancy.
4. Petitioner alleges that requests have been made to Melodie Z. Scott, former conservator, to execute a deed transferring the real property of this conservatorship into the name of the current conservator. To date, Ms. Scott has not signed such deed. However, it appears the real property is titled into the name of the Trust, not the conservatorship.
5. Petitioner has advanced monies on behalf of the conservatorship totaling \$4,534.78, of which \$1,400 has been reimbursed. Petitioner requests reimbursement of the remaining \$3,134.78. JTD
6. Attorney requests fees of \$10,802.50. Petitioner alleges that the itemization of fees is set forth on the attached Schedule "D". However, no Schedule "D" is attached. Please file same.
7. On Summary of Account, petitioner references Schedule "E" – property on hand, however, there is no Schedule "E" attached. Please file same.
8. Note: Schedule "A" – Receipts total \$13,422.04, not \$13,274.74 as reported, and Schedule "C" – Disbursements total \$12,251.56, not \$13,025.45 as reported. Also, the Summary of account is out of balance by \$25,598.83. The accounting does not balance as submitted. Need to file an amended accounting.
9. Need original bank statements to support balance of cash on hand per Pr.C. §2620(c)
10. Petitioner makes no allegation re bond. Bond is currently fixed at \$25,000 which appears to be insufficient. However, need a list of the property on hand to determine correct calculation of bond. Alternatively, need verified supplement re bond sufficiency.
11. Note: On 10/11/06, the Court amended the conservatee's Trust into an Irrevocable Trust, Melodie Z. Scott as Trustee. Furthermore, the court ordered the trust to remain under court supervision. Do not see an accounting on behalf of the trust. Court may wish to set an accounting review for the Trust by Melodie Z. Scott.

RECOMMENDATION:

Need to clear notes. Also, court may wish to set an accounting review for Melodie Z. Scott as Successor Trustee of the Ettie Mae Fennell Irrevocable Trust for 12/11/08. Accounting to be filed 30 days in advance. Clerk to give notice.
(gls/kra/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 10:30 DEPT: E2

CASE #: SC SS03090

CASE NAME: MTR OF ADA JEAN BRYANT

HEARING:
Accounting Review

COUNSEL:

KIM ANNE SIMMONS (CPE)...CARROLL M LA SON
ADA JEAN BRYANT (CEP)...
ADA JEAN HAYNES WILSON (OBJ)...PRO/PER

GENERAL INFORMATION:

Continued from **5/19/08** and **6/30/08** at request of counsel. Nothing new filed. On 5/19/08, counsel advised that probate proceedings had not yet been filed for conservatee's estate.

Continued from 8/25/08 at request of counsel for a supplement to be filed to bring the accounting up to the date of death as conservatee died 12/2007. Nothing new filed. Last continued from 10/6/08. The supplement filed to the report on 8/19/08 is intended to be a final accounting, but is really a supplement to the first accounting and raises questions. Court orders any objections to the accounting to be filed by 10/20/08 and notes that the documents purported to have been filed by Ada Jean Wilson have not reached the file and have not been reviewed by the court. Court instructs attorney to file a supplement to clarify the previous filed accounting.

Last Continued from 11/13/08. Ms. Wilson is to send a copy of Ms. Katherine Haynes' email, 4 pages, last will and testament of Ada Jean Bryant, filed 10/20/08 to all relatives of the second degree and Mr. Lawson's office. Ms. Wilson to provide complete list of everyone and their addresses. She is to file a declaration of due diligence by 12/05/08 of those relatives with no known address. Ms. Wilson shall provide attorney Appel with all information by 11/24/08. Attorney Appel to file all bank statements for all Conservatorship accounts no later than 12/05/08 or court will surcharge his client. Attorney Appel to give notice of new court date.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 3/26/08 counsel advises court that a final accounting will be filed covering the period of 6/23/07 – 12/15/07 (date of death).
2. No accounting filed. **Supp: Accounting is filed, however, accounting is not prepared on the mandatory Judicial Council simplified accounting forms (GC-400/405). Also, accounting goes through 12/15/07. Court may wish to require a post-death accounting to a more current date as required per Pr.C. §2620(b).**
3. **Petitioner requests fees of \$38,688.00. Billed at \$12/hour for four hours per day for 348 days. This accounting period is only 134 days. Petitioner is requesting fees for a period for which the accounting does not cover (i.e., from 5/18/06-12/15/07). Also, petitioner requested and received fees from the first accounting period which was previously granted by the court. Thus, if the court grants \$12/hour for 4 hours/day at 134 days for this accounting period, then petitioner's fee request is equal to \$6,432.00. Services are generally itemized. JTD**
4. **Attorney requests fees of \$4,950.00. Billed at \$300/hour for 16.5 hours. Itemized. However, in prayer, attorney requests fees of \$7,450.00. Need verified supplement to clarify the fees being requested.**
5. **Need original bank statement to support balance of cash on hand per Pr.C. §2620(c). *Bank statements filed by Attorney Lawson. However, they are not originals and there are pages of the statements cut in half. Need originals.***
6. **Court may wish to review fax from conservatee's daughter, Katherine Haynes. Court may wish to distribute to all interested parties and require any objections to the accounting or services rendered by petitioner to be filed in proper format. Judge to decide**
7. **Objections filed by Ada Jean Haynes Wilson.**
8. **Objections filed by Gregory E Bryant.**

RECOMMENDATION:

Need to clear notes. Set for contested hearing.

(gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 01/22/09 TIME: 10:30 DEPT: E2

CASE #: SC SS3224

CASE NAME: IN THE MATTER OF LAUNA LUGINSKY

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of LUGINSKY

COUNSEL:

SYLVIA LUGINSKY (CPE)...BUXBAUM & CHAKMAK
LAUNA LUGINSKY (CEP)...
LISSA ANNE MARTINEZ (SC)...

GENERAL INFORMATION:

(Amended) Letters of Conservatorship, person and estate, issued 9/15/08

THIS CASE IS SET FOR HEARING ON Conservatorship Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Care Plan is filed.
2. Six-month Court Investigator report is filed.
3. No Inventory is filed. Need same. Inquire re status.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set a hearing in accord
with Pr.C. § 2614.5 and/or 8505.

(gls)

Superior Court of Calif, County of San Bernardino

Page: 41

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN MISC.

DATE: 01/22/09 TIME: 1:30 DEPT: E2

CASE #: PROPS0700988

CASE NAME: SALLY FORLANO TRUST

HEARING:

FIRST AND FINAL Account and Report of *** and Petition for allowance of fees filed.

COUNSEL:

LILLIAN ROSALES (PET)...JENNIFER L FIELD
SALLY FORLANO FAMILY TRUST DAT(DEC)...
ANGELICA MARIA FORLANO (MIN)...DONNASUE SMITH-ORTIZ
GABRIELLE ELIZABETH FORLANO (MIN)...DONNASUE SMITH-ORTIZ
ELIZABETH ENRIQUEZ (STE)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

Accounting covers period: 01/01/06 – 12/31/06

Assets on hand: \$9,384.71

Continued from **4/28/08** at request of counsel.

Continued from **06/16/08** at request of counsel. At the hearing, counsel reported that a portion of the missing funds, and the amount remained in contention is approximately \$70,000. Parties agreed that a more detailed accounting shall be prepared. Court requested that counsel file a declaration or short status report to bring the court up to date on status of trust. Nothing new filed with exception of notice of continuance.

Continued from 8-19-08 and 11/18/08 to review supplement filed.

THIS CASE SET FOR HEARING ON First and Final Account and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The sole beneficiaries are the two minor children of the decedent. The minors are represented by attorney Donnasue Smith-Ortiz.
2. Need copies of PFF Bank & Trust Statements for the beginning balance (i.e., 01/01/06) and ending balance (12/31/06) per local rule 20-908. **Supp: Petitioner will provide original statements once they become available.**
3. Petitioner, as trustee, went from a starting balance of \$569,458.75 to an ending balance of \$9,384.71. There are the following inquiries re disbursements and expenses of the trust:

- a. There are various payments to Elizabeth Enriquez totaling \$57,420.00 with no further explanation. Need verified supplement as to how these payments benefited the trust beneficiaries and the purpose of the disbursements.
Supp: \$4,500 was disbursed on 7/19/06 for carpeting for parents of decedent which was a gift promised by decedent prior to her passing. Other withdrawals are for expenses on behalf of the minor children totaling \$22,275.00 leaving a total of \$35,145.00 to be reimbursed to the trust estate. Does court wish itemization for the expenses paid on behalf of minor children? Court may wish to set a review date for the return of the balance of funds to the trust estate.
 - b. On 7/19/06 there is a disbursement to "Sally Forlano (gift)" in the amount of \$4,500. Sally Forlano died on 06/08/05. Question this disbursement and the purpose for the expense? **Supp: this was a gift for carpeting for parents of decedent as described above.**
 - c. On 11/14/06, there is a "withdrawal" of \$500,000 with no further explanation. Question the purpose of this disbursement and how it benefited the trust beneficiaries? **Supp: This disbursement was a transfer of funds to a certificate of deposit at PFF Bank & Trust.**
 - d. On 11/30/06, there is a disbursement of "clothes/shoes (\$1000 @ 4 months)" totaling \$4,000. This expense appears excessive for minors. Question the purpose of the large expense for clothes and shoes especially since the trustee already budgets a monthly clothes allowance (see note 4). **Supp: Petitioner alleges the clothing allowance was removed from the accounting and when minors arrived at respondent's home they were without proper clothing/shoes and accordingly, new wardrobes were purchased for each teenager.**
4. Petitioner has prepared a monthly spending report whereby a total of \$3,162.50 is allotted for minors' expenses (see tabbed report). The total of the "family expenses" is \$3,085.00 and the minor beneficiaries are paying half of these expenses, including half of the grocery bill, utilities, accommodations (is this the mortgage?) and insurance. Why would the minor beneficiaries be responsible for any part of the mortgage expense? The total expenses minors pay towards the monthly total appear excessive. **Supp: This request has been modified. The total amount requested is limited to additional groceries, gasoline, meals, spending money, cell phone service, school supplies, personal care items and occasional gifts purchased by the minors.**
 5. Petitioner paid two filing fees for this petition. The first appearance fee of \$320.00 and the additional \$180.00. It would appear that petitioner overpaid the filing fee by \$180.00. Does court wish to order reimbursement? Judge to decide

RECOMMENDATION: Court's discretion. Court may wish to set a review date for the return of money owed to the estate by petitioner (suggest 30 days). If approved, court to set next accounting review for 1/28/10.

(gls/kra/cbr/NMT/gls)